

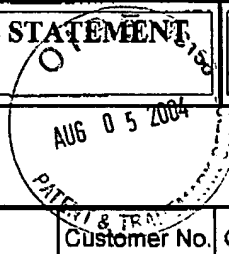


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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) or 1.97(c))				Docket No. 185/02360	
In Re Application Of: Ilan D. HABER et al.					
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/936,074	September 5, 2001	Unknown	44909	2872	7853
Title: ATMOSPHERIC OPTICAL COMMUNICATION					
<p>Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p><b>37 CFR 1.97(b)</b></p> <p>1. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.</p> <p><b>37 CFR 1.97(c)</b></p> <p>2. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:</p> <p><input type="checkbox"/> the statement specified in 37 CFR 1.97(e);</p> <p><b>OR</b></p> <p><input type="checkbox"/> the fee set forth in 37 CFR 1.17(p).</p>					

<b>TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT</b> (Under 37 CFR 1.97(b) or 1.97(c))	Docket No. 185/02360
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In Re Application: **Ilan D. HABER et al.**



Application No. 09/936,074	Filing Date September 5, 2001	Examiner Unknown	Customer No. 44909	Group Art Unit 2872	Confirmation No. 7853
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**ATMOSPHERIC OPTICAL COMMUNICATION**

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **03-3419** as described below.
- ☐ Charge the amount of \_\_\_\_\_
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\*This certificate may only be used if paying by deposit account.

*Paul Fenster*

Signature

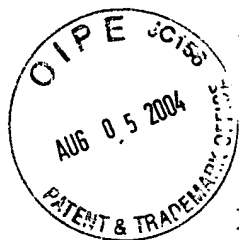
**Paul FENSTER, Reg. No. 33,877**

Dated: **August 2, 2004**

**William H. Dippert, Esq.**  
**Reed Smith LLP**  
**599 Lexington Avenue, 29th Floor**  
**New York, NY 10022-7650**

**Tel.: (212) 521-5400**

CC:



185/02360

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In regard to the application of: Ilan D. HABER et al.

Serial No :                    09/936,074                    Group Art Unit: 2872  
Filed:                        September 5, 2001                    Examiner: Unknown  
For:                         Atmospheric Optical Communication

**FIRST SUPPLEMENTARY INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Hon. Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully direct the attention of the Examiner to additional art cited with respect to U.S. Application No. 09/936,074, which is a U.S. national phase under §371 of PCT Application No. PCT/IL00/00104. The present application also claims the benefit under §119(e) of U.S. Provisional Application No. 60/123,572, and U.S. Provisional Application No. 60/127,331

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP §2001.06, MPEP §1893.03(e) and MPEP §1893.03(g) and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is an Equivalent to Form PTO-1449 listing the cited art. Also attached are copies<sup>1</sup> of the art. This art contains information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

Applicants wish to point out that items 1, and 2 were cited on the Supplementary European Search Report, dated May 6, 2004, of a counterpart European Application No.

<sup>1</sup> To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the national stage file. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such an equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited then none is known to the undersigned.

00905242.4, a copy of which is also attached hereto. The other items mentioned on this Search Report were already cited in the present application (i.e. U.S. Patent No. 4,960,315 and U.S. Patent No. 5,859,725 were cited in an earlier Information Disclosure Statement.)

A certification under 37 C.F.R. §1.97(e) is attached hereto.

In accordance with MPEP §609 it is requested that each document cited [including any mentioned in Applicants' specification which is not repeated on the attached (or prior) PTO-1449 form(s) or equivalent(s) thereof] be given thorough consideration and be cited of record in the prosecution history of the present application by initialing on the PTO-1449 form or its equivalent, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,  
Ilan D. HABER et al.

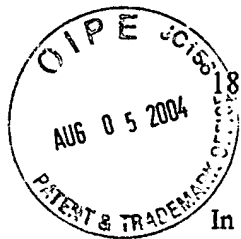


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Paul FENSTER  
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August 2, 2004  
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New York, NY 10022-7650

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185/02360

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In regard to the application of: Ilan D. HABER et al.

Serial No : 09/936,074 Group Art Unit: 2872  
Filed: September 5, 2001 Examiner: Unknown  
For: Atmospheric Optical Communication

**CERTIFICATION UNDER 37 CFR §1.97(e)**

Hon. Commissioner of Patents  
P.O. Box 1450  
Alexandria, 22313-1450

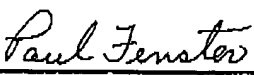
Sir:

This is to certify that the information contained in the attached supplementary Information Disclosure Statement was first cited in a search report from the European Patent Office in a counterpart European Application, No. 00905242.4, not more than three months prior to the filing of the Information Disclosure Statement. No earlier communication listing this art has been received.

Enclosed is a copy of Supplementary European Search Report dated May 6, 2004, clearly showing that the supplementary Information Disclosure Statement is being submitted within 3 months of the mailing date of the search report.

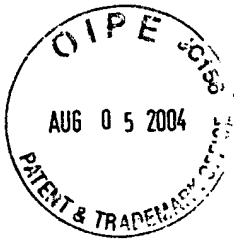
The Examiner is respectfully requested to review the art in accordance with 37 C.F.R. §1.97(e).

Respectfully submitted,  
Ilan D. HABER, et al.

  
\_\_\_\_\_  
Paul Fenster  
Registration No. 33,877

August 2, 2004  
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PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
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### Certificate of Mailing under 37 CFR 1.8

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29th Floor  
New York, New York 10022-7650  
Tel: 212-521-5400; Fax: 212-521-5450

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Applicant: Ilan D. HABER, et al  
Serial No: 09/936,074  
Filing Date: September 5, 2001  
For: ATMOSPHERIC OPTICAL COMMUNICATIONS  
Enclosures: (1) Transmittal of Information Disclosure Statement (3 pages); (2) Information Disclosure Statement (2 pages); Certification Under 37 CFR §1.97(e) (1 page) with attachment (3 pages) w/IDS Citation (1 page) & two cited references; (3) Acknowledgement Postcard.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)	<b>ATTY DOCKET NO.</b> 185/02360	<b>SERIAL NO.</b> 09/936,074
	<b>APPLICANT(S)</b> Ian D. HABER et al.	
	<b>FILING</b> September 5, 2001	<b>GROUP</b> 2872

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	1	4,307,294	22 Dec '81	CAMPBELL, D. B.			
	2	5,745,634	28 Apr '98	GARRETT, C. M. et al.			

**U.S. PATENT APPLICATION PUBLICATIONS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO

**OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)**

<b>EXAMINER</b>		<b>DATE CONSIDERED</b>
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

Equivalent to Form PTO-1449

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